

CALL TO ORDER:

This meeting was called to order at 7:30 p.m. via Zoom webinar by Chairwoman Robin Malley with the reading of the Open Public Meetings Act.

PLEDGE OF ALLEGIANCE

ROLL CALL:

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| Robin Malley, Chairwoman | Present |
| Sanjeev Dhawan, Vice Chairman | Present |
| John Altadonna, Alt. 1 | Absent |
| Gerald Barbara, Alt. 2 | Present |
| Dianna Cereijo | Absent |
| Christina Hembree | Present |
| Michael Kaufman | Present |
| Philip Maniscalco | Present |
| Lynda Picinic | Present |

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| S. Robert Princiotta, Esq. | Present |
| Anthony Kurus, Engineer | Present |
| Elizabeth Leheny, Planner | Absent |
| Clairese Neumann, Secretary | Present |

APPROVAL OF MINUTES

The minutes for August 23rd, 2022 were approved as edited on a motion from Ms. Hembree and seconded by Mr. Maniscalco. All board members were in favor of approval.

RESOLUTION OF APPROVAL – TIME EXTENSION

Lawrence & Phyllis Polevoy
15 West Hill Road

Block: 2103 Lot: 1
R-22.5 Zone

Proposing two new porches to the existing residence which would require a variance for building coverage of 18.45% where 15% is permitted. Received: 4/29/21; Deemed administratively complete on 5/14/21; Deemed Complete by Board Engineer: 5/27/21; Deemed Complete by Board Engineer: 5/27/21;

A motion was made by Ms. Picinic and seconded by Mr. Kaufman to approve the Time Extension requested. On a roll call vote Chairwoman Malley, Vice Chairman Dhawan, Mr. Kaufman, Mr. Maniscalco, Ms. Picinic voted in favor of the motion. Ms. Hembree and Mr. Barbara abstained.

RESOLUTION OF APPROVAL

1 Dimino Court
Scott & Suzanne Alenick

Block: 1704 Lot: 4.01
R-22.5

Requesting variances for a patio extension which proposes coverage of 32.28% where 30% is permitted. A variance for 2.28% or 515 sq. ft. would be needed.

A motion was made by Ms. Picinic and seconded by Ms. Hembree. On a roll call vote Chairwoman Malley, Vice Chairman Dhawan, Ms. Hembree, Mr. Kaufman, Mr. Maniscalco, and Ms. Picinic voted in favor of the motion. Mr. Barbara abstained.

APPLICATIONS (Continued / Carried):

**75 Carnot Avenue
Sascha Kreideweis**

**Block: 1906 Lot: 1
R-22.5**

Requesting variances to construct a two-story stairway addition and a second story addition over the existing garage which will require two variances for setbacks of 16 ft. and 6.92 ft. where 20 ft. is required. Variances of 4 ft. and 13.08 ft. would be needed.

Mr. Princiotto began by reminding the board and the public, Mr. Kreideweis did receive testimony at the previous meeting from his neighbor Ms. Janowsky and Mr. Sugrue, filling in for Mr. Kreideweis' architect. Mr. Princiotto asks Mr. Kreideweis if he would like to continue taking testimony from his witnesses.

Mr. Kreideweis mentioned his architect, Mr. Tom Mesuk is in attendance for the meeting. Mr. Kreideweis introduced his next witness to testify, Ms. Barbara Bushell.

Ms. Bushell swore in by Mr. Princiotto. Ms. Bushell mentioned her property line and the applicant's property line back up to each other. She mentioned the work Mr. Kreideweis has proposed will not affect her property in any way. She stated she will not see the additions Mr. Kreideweis wished to build from her property and she is very happy to have a growing family like Mr. Kreideweis' in Woodcliff Lake.

Mr. Princiotto questioned Ms. Bushell asking the exact location of where the property lines are shared and if it is on the side where the garage is.

Ms. Bushell stated she can see Mr. Kreideweis' garage from her property at Nowak Court but their other neighbor, Mr. Ranzinger is closer to the garage side of the property.

Chairwoman Malley asked Ms. Bushell to confirm if she resides north of Mr. Kreideweis based off of the tax map. Mr. Kreideweis stated everyone should look at the survey provided, as their properties are designated with their names.

Mr. Princiotto made an observation that the neighbor, Mr. Ranzinger is located south and closest to Mr. Kreideweis' property side where the garage addition is proposed. Mr. Kreideweis confirms this as well.

Mr. Princiotto swore in Mr. Ranzinger to testify on behalf of Mr. Kreideweis. Mr. Ranzinger testifies his property is located closest to the applicant's. Mr. Ranzinger stated he and his wife have no issues with the additions Mr. Kreideweis wishes to construct. Mr. Ranzinger mentions there are woods between his home and the applicant's garage that acts as a buffer.

Mr. Princiotto questioned Mr. Ranzinger how far his house is from the property line he and Mr. Kreideweis share. Mr. Ranzinger stated his house is 45-50 ft from the applicant's garage. Mr. Princiotto asked if the board had any further questions. With no further questions from the board Mr. Princiotto suggested the board open for public comment.

Public Session

The meeting was opened to the public for questions of Ms. Bushell or Mr. Ranziger on a motion from Mr. Kaufman, seconded by Ms. Hembree, and carried by all.

The phone number was provided to the public to call in with any questions or concerns. The public was also advised that if they were participating via Zoom that they could raise their hand to ask a question or make a comment.

There were no members of the public calling in or raising their hand on Zoom.

The meeting was closed to the public with a motion by Ms. Hembree, seconded by Mr. Maniscalco, and carried by all.

Mr. Tom Mesuk was sworn in by Mr. Princiotta. Mr. Mesuk began his testimony telling the board Mr. Kreideweis is looking to do a small addition over the garage. He stated there will be little to no impact to the neighbors or their properties for the work proposed.

Mr. Princiotta questioned Mr. Mesuk if the existing footprint of the garage will be changing. Mr. Mesuk stated the existing footprint will not be changing, the addition will go right above the existing garage. Mr. Princiotta stated that there were 2 requested variances and asked Mr. Mesuk if the footage needed for the variances matched the survey.

Mr. Mesuk stated that the footage for variances requested matches the Plot Plan which was on the first page of the Plans.

Mr. Princiotta asked the date of the survey. Mr. Kreideweis stated the survey was dated July 22, 2016, when he purchased the property.

Mr. Kreideweis asked Mr. Princiotta to confirm if he was questioning the part on the survey that gives the dimensions of 4.92 and 5.5ft. Mr. Princiotta confirmed this, and Mr. Mesuk explained the reasoning for those numbers. Mr. Mesuk stated the setback of 6.92 ft is referring to the dormers that will be a part of the addition and the 4.92 ft is referring to the existing garage. Mr. Princiotta question the 16ft on the side of the garage. Mr. Mesuk stated the 16 ft was new for the stairway for access to the addition. Mr. Princiotta suggested to open for public comment.

Public Session

The meeting was opened to the public for questions of Mr. Mesuk on a motion from Ms. Hembree, seconded by Mr. Maniscalco, and carried by all.

The phone number was provided to the public to call in with any questions or concerns. The public was also advised that if they were participating via Zoom that they could raise their hand to ask a question or make a comment.

There were no members of the public calling in or raising their hand on Zoom.

The meeting was closed to the public with a motion by Ms. Hembree, seconded by Mr. Kaufman, and carried by all.

Mr. Kaufman questioned the two different setbacks, and asked if two variances needed.

Mr. Princiotta affirmed there are two variances needed, one for the 16 ft stairway and the second for the 6.92 ft for the dormers.

Chairwoman Malley asked if Mr. Kurus, Borough Engineer had any comments to make. Mr. Kurus had no comments.

Mr. Princiotta informed the board and the applicant, there was a letter of objection submitted to be read into the record. Claisses, Board Secretary read the letter of objection, from Shirley Mariaschin into the record. The letter of objection was listed as Exhibit O-1. Mr. Princiotta stated the board should open for public comment for the letter of objection.

Public Session

The meeting was opened to the public on a motion from Mr. Kaufman, seconded by Vice Chairman Dhawan, and carried by all.

The phone number was provided to the public to call in with any questions or concerns. The public was also advised that if they were participating via Zoom that they could raise their hand to ask a question or make a comment.

There were no members of the public calling in or raising their hand on Zoom.

The meeting was closed to the public with a motion by Mr. Maniscalco, seconded by Mr. Kaufman, and carried by all.

Mr. Kreideweis stated he believed his neighbors' and his architect's testimony gave the best information for the proposed work. He stated he could not fix trees removed by previous owners but he would be happy to change a rhododendron and will do so.

A motion was made by Ms. Hembree and seconded by Mr. Kaufman to approve the application for 75 Carnot for variances to construct a two-story stairway addition and a second story addition over the existing garage. On a roll call vote Chairwoman Malley, Vice Chairman Dhawan, Ms. Hembree, Mr. Kaufman, Mr. Maniscalco, Ms. Picinic, and Mr. Barbara voted in favor of the motion.

Mr. Princiotta stated the resolution will be written and voted on at the next meeting. Mr. Princiotta also stated that if approved, the resolution will be published in the paper.

APPLICATION – (Carried/New):

24 Hunter Ridge Road

David Yoskowitz

Block: 1108 Lot: 5.01

R-30

Requesting a use variance to permit a recreational court / basketball court in the front yard of the property. This would also require a variance for an accessory structure in a front yard where only side or rear yard is permitted and a front yard setback of 6.2 ft. where 50 ft. is required.

The applicant's attorney Dean Stamos began the application stating the applicant is requesting a use variance to permit a recreational court / basketball court in the front yard of the property as well as a variance for an accessory structure in a front yard where only side or rear yard is permitted and a front yard setback of 6.2 ft. where 50 ft. is required.

Mr. Princiotta asked the Board Secretary, Claisses to confirm proof of notice and publication was provided. Claisses confirmed this to be correct.

Mr. Stamos stated all neighbors, and utility companies were re-noticed with the updated 200 ft list, as well as Bergen County Planning.

Mr. Princiotta confirmed the notice is acceptable and the board can move forward with the application.

Mr. Stamos stated to the board, the basketball/recreation court is to get the applicant's family out of the house and away from electronics and video games. He stated that equipment has been ordered but no work has started yet.

Mr. Sewald, the applicant's engineer, was sworn in by Mr. Princiotta. Mr. Sewald was asked to provide his credentials to the Board members by the applicant's attorney.

Mr. Stamos asked Mr. Sewald who prepared to the drawings for 24 Hunter Ridge. Mr. Sewald responded that he drew up the plans and he is familiar with the property. Mr. Sewald pointed out the date of the updated plan, noting it to be 9/14/2022, exhibit A-5.

Mr. Princiotta asked Mr. Sewald to explain the changes made to the plans. Mr. Sewald explained the building coverage changed from 4% to 7%, the material detail of the court and the surface changes of surface coverage. Mr. Sewald states everything on the property of 24 Hunter Ridge is existing and fits the floor and maximum building coverage. The court is 29 ½ by 49, equaling to 1,432 square feet.

Mr. Stamos asked Mr. Sewald to describe the court's material and the size. Mr. Sewald states the court's material is permeable and will not impact the neighboring properties. There will be crushed stone and regular soil underneath. Mr. Sewald stated the court will be buffered by existing landscaping on the property. Mr. Sewald also stated the project is under the 5000 sq. ft of disturbance under the state requirement.

Mr. Stamos asked Mr. Sewald to show the wetlands of the property. Mr. Sewald did so and stated there will be no impact on neighbors to the North of the property with the location of the court. Mr. Stamos questioned Mr. Sewald if a setback variance would be needed if the court was moved. Mr. Sewald stated a setback variance would not be required.

Mr. Stamos questioned Mr. Sewald if there was any lighting to be proposed.

Mr. Sewald stated no lighting is proposed, he also stated the court is not a full-length regulation sized court, but it is half the size of a regulation court. Mr. Sewald stated the property is a 2-acre lot. Mr. Sewald stated the 19.4% is being increased by 1.1% with the court. It is 11% under the maximum allowable coverage, 6.2ft from the corner of the court to the cul-da-sac. Mr. Sewald stated lastly there is a heavy row of hedges to block the view of the court from the street.

Chairwoman Malley questioned if the heavy row of hedges will be moved and will there be fencing.

Mr. Sewald stated there is an existing fence but no fencing is proposed for the court.

Chairwoman Malley questioned how many people could be on the court at a time.

Mr. Sewald stated 2- 10 people could be using the court at once.

Anthony Kurus, Borough Engineer stated the court is not a half regulation sized court but actually 1/3 of a regulation sized court.

Ms. Picnic questioned if lighting will be installed. Mr. Stamos stated no lighting will be installed.

Chairwoman Malley asked how the house and the court will be lit up.

Mr. Sewald stated existing landscaping and security lighting **

Ms. Picnic asked if lighting was to be proposed in the future, would the applicant have to come back to the board.

Mr. Princiotta stated the applicant could propose as a condition for lighting based off of the ordinance.

Mr. Kaufman asked why the court was not proposed for the existing asphalt driveway to the right side of the house.

Mr. Sewald stated this driveway is active with garbage and a generator.

Vice Chairman Dhawan asked about the material of the proposed court.

Mr. Sewald stated the material is meant to be used for recreation and not to be driven on.

Mr. Princiotta questioned if the proposed court was an accessory structure. He stated under the ordinance, the court is a structure.

Mr. Sewald stated the court could be used for other activities but it mostly intended for basketball.

Mr. Stamos stated the ordinance did define the recreational court as a structure.

Mr. Princiotta questioned if the applicant considered the topography or drainage for the regrading of the property. He also questioned when the last wetland survey was conducted and if DEP approval is required.

Mr. Sewald stated the NJDEP approval is not required because they do not infringe upon the wetland buffer and mapping was done in 2016.

Mr. Stamos asked to bring in the planner for the application, Mr. John McDonough.

Mr. Princiotta swore in Mr. McDonough.

M. McDonough gave his credentials and stated the application is for an accessory structure in the front yard. His analysis shows a spacious property with great buffers. Mr. McDonough provided the board with drone photos of the property as well as sharing his screen. The photos are marked as Exhibit A-4 for the application. Mr. McDonough showed the vegetation and the year-round screening of the property. Mr. McDonough outlined on his screen the location of the proposed court. Mr. McDonough stated the ordinances for accessory structures and lighting are contradicting. Mr. McDonough stated the application would only need to satisfy one C1 or C2 variance. Mr. McDonough believed it adds value to the home and the neighborhood, he believed it promotes the master plan and that the proposed court will not negatively affect the neighbors or the environment.

Mr. Stamos questioned Mr. McDonough the reason for the proposed court.

Mr. McDonough stated the proposed court will promote a healthy lifestyle and get the children away from technology.

Ms. Hembree stated 4-6 people playing basketball is not quite.

Mr. Sewald stated it does not have to be silent, you are allowed to bounce a ball.

Mr. Sewald stated any home improvement has a ripple effect.

Mr. Princiotta questioned the findings for the noise between the blacktop and the rubber material.

Mr. Sewald stated there was no evidence to know the difference. Mr. Sewald asked the recreational court be seen as an ancillary use similar to a pool or a patio.

Chairwoman Malley and Ms. Hembree stated the applicant cannot provide another property in Woodcliff Lake that has a recreational court.

Mr. Kurus questioned if the evergreen screening is in the Borough ROW or on the applicant's property.

Mr. Sewald agreed that evergreen screening is in the Borough ROW.

Mr. Barbara questioned if the court can be moved back or not and will it effect the existing seepage pit.

Mr. Sewald stated it would interfere with the seepage pits and wetland buffer zone.

Mr. Princiotta asked the planner, if he visited the site. Mr. McDonough responded someone else from his office was on site taking the photos. Mr. Princiotta asked Mr. McDonough if the white lines on the photos were put there by him. Mr. McDonough responded he did draw the lines on the photos but they are not to scale, the lines were to simply give an idea of the court and its location.

Mr. Princiotto stated the court seems to be 6ft from the Borough ROW, which would make the court 6.2 ft from the curb line. Mr. Princiotto questioned the planner Mr. McDonough if he was aware that the lighting ordinance was for uses that existed before the ordinance was changed and if his testimony states illumination for the court that could be predated to the ordinance or recreational courts. Mr. Princiotto states there is certain verbiage “expressly prohibited” and that any use not permitted is prohibited.

Mr. Princiotto questioned the planner if he reviewed the Borough’s most recent Master Plan. Mr. McDonough stated he was familiar with the new Master Plan.

Mr. McDonough stated an abundance amount of evidence has been provided for the recreational court.

Mr. Princiotto stated no basketball court was on the master plan but it does discuss the standards being needed for these areas. Mr. Princiotto stated no zoning ordinances have been adopted for recreational courts yet.

Chairwoman Malley stated the time is getting close to the end of the meeting and suggested the application be carried to the next meeting.

Mr. Princiotto questioned Mr. Stamos if there were anymore witnesses. Mr. Stamos stated he had no more witnesses.

Mr. Princiotto stated there are two letters to be addressed at the next meeting. Mr. Princiotto announced for 24 Hunter Ridge to be carried to the next meeting, October 25th at 7:30pm, and no further notice will be required.

The meeting was adjourned on a motion from Ms. Picinic, seconded by Mr. Kaufman, and carried by all.

Respectfully submitted,

Clairese Neumann